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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HOGBACK BASIN PRESERVATION
ASSOCIATION, and SIERRA CLUB,

Plaintiffs,
vs.

UNITED STATES FOREST SERVICE, and
WHITE PASS COMPANY,

Defendants.

Case No. CV-07-1913JLR

DECLARATION OF ERIK SPLAWN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

///

1 I, Erik Splawn, being first duly sworn on oath, do hereby depose and say that:

2 1. My name is Erik Splawn. I am over the age of eighteen years. I am one of the founding
3 members of plaintiff Hogback Basin Preservation Association ("HBPA"), an organization for which I
4 currently serve as the president. The HBPA is a non-profit public interest organization, formed in
5 August of 1989, whose members reside throughout the State of Washington. I make this affidavit both
6 on behalf of myself as a member of the group, and on behalf of the HBPA.
7

8 2. Plaintiff HBPA is comprised of approximately 200 individuals who have lived near, used,
9 enjoyed, and valued the area of the proposed ski area expansion for many years. I and HBPA members
10 regularly visit and use the Gifford Pinchot National Forest and Okanogan and Wenatchee National
11 Forests for hiking, camping, backpacking, bird watching, cross-country skiing, downhill skiing, and
12 biological study. In particular, I, and members of HBPA, extensively use the Hogback Basin, the White
13 Pass Ski Area, and the Goat Rocks Wilderness Area to experience their diverse natural history,
14 recreational, aesthetic and spiritual values.
15

16 3. I maintain an active, and continuing, interest in the aesthetic and ecologic integrity of the
17 Hogback Basin, the White Pass Ski Area, and the Goat Rocks Wilderness Area as well as in the
18 surrounding National Forests. I plan to return frequently to these and the immediately surrounding areas
19 in order to experience the values described above. I am aware that HBPA members also plan to visit and
20 enjoy these areas on a continuing basis.
21

22 4. HBPA and its members have actively monitored and participated in the planning process
23 for the Hogback Basin Area and the proposed White Pass Ski Area expansion. We seek, collectively, to
24 protect and preserve the biological integrity of these public wildlands, and their related ecological
25 functions and values; that is the core purpose for which HBPA was established and for which it
26 perseveres. Accordingly, HBPA has also been a party to previous administrative appeals and law suits
27 relating to attempts to expand the White Pass Ski Area into the Hogback Basin Area.
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1 5. HBPA and its members submitted timely and substantive comments to the Forest Service
 2 during the NEPA process at issue in this action. It also filed a timely administrative appeal with the
 3 Regional Forester as allowed by Forest Service regulations. This administrative appeal was denied.
 4
 5 Plaintiffs have exhausted their administrative remedies and have no further adequate remedy at law.

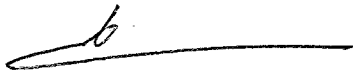
6 6. The Record of Decision allowing expansion of the White Pass Ski Area approves the
 7 cutting of trees in an inventoried roadless area, the construction of a parking lot in another inventoried
 8 roadless area and other development activities that will significantly degrade the roadless, wilderness,
 9 recreational and aesthetic values currently enjoyed by HBPA and its members. Allowing the proposed
 10 expansion of the White Pass Ski Area in the Hogback Basin Area will profoundly undermine and injure
 11 HBPA's core purpose of preservation of the roadless, wilderness, recreational and aesthetic values
 12 currently present in Hogback Basin Area and its immediate surroundings.
 13

14 7. HBPA and its members will be materially and adversely affected by the proposed
 15 expansion of the White Pass Ski Area and activities and impacts inherent in this development.
 16

17 8. Because the federal defendant's actions approving the expansion violate several
 18 procedural and substantive laws, a favorable decision by this Court reversing the Record of Decision and
 19 rescinding the Final Environmental Impact Statement will redress the actual and imminent injury to the
 20 plaintiffs by eliminating the legal basis for the ski area expansion.
 21

22 In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
 23 document is a true and correct statement of all facts set forth herein.
 24

25 SO DECLARED, this date 3rd day of March, 2008.
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 29 
 30 ERIK SPLAWN
 31 Hogback Basin Preservation Association, President
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